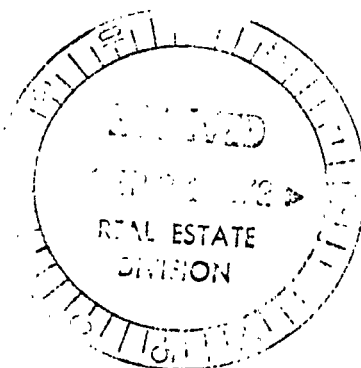


HAPOP-X



20 SEP 1972

Mr. John A. Lucey, Review Engineer
Delaware Department of Highways and Transportation
Division of Highways
P. O. Box 773
Dover, Delaware 19901

Dear Mr. Lucey:

Inclosed is Department of the Army permit authorizing the Delaware Department of Highways and Transportation to dredge and fill areas along the right-of-way for the proposed relocation of Delaware Route 141 on the southerly side, in Christina River at Newport, Delaware.

Your attention is invited to Conditions (c) and (e) of the inclosed permit which specify that every reasonable effort should be made to minimize any adverse impact of the work on fish, wildlife, water quality and natural environmental values. In accordance with these conditions, with recommendations made by the U. S. Department of the Interior, and with this office's requirements, the following are made conditions of this permit:

1. That all project construction be confined to the proposed project site or right-of-way;
2. That no fill or dredge spoil be placed on existing tidal marsh outside the right-of-way;
3. That all spoil be confined with suitable dikes and be stabilized by vegetative plantings to prevent erosion into surrounding tidal marsh;
4. That, upon project completion, all fill and erosive surfaces be seeded, rip-rapped or covered by other means to prevent soil erosion.
5. That the permittee maintain adequate surveillance of dredging and disposal operations to assure that the banks used to confine dredged material are safe from failure, that the density of effluent leaving the sluice from the disposal area does not exceed the weight of adjacent river water by eight grams per liter, and that the disposal area not be used beyond its capacity.

AR200097

WMPOR-W

Mr. John A. Lucey, Review Engineer

Your attention is also called to Condition (u) of the permit which specifies that no building or other structure may be erected on the disposal area authorized by this permit without prior approval of this office. Since the State of Delaware does not own the disposal area, it will be necessary for the State to make this condition perfectly clear to the owner of the property, E. I. duPont Company, since a violation of the terms of this permit would occur if the owner erected a building or structure on the disposal area without first obtaining approval from this office.

This office insists that all necessary precautions be taken during operations in the disposal area so that the existing chemical waste dump on the same location is not disturbed in any way which would lead to a discharge of chemical contaminants to the waterway. If any such discharge should occur, the permittee would be in violation of Section 13 of the River and Harbor Act of 1899.

If any material changes in the location or plans of the permitted work are found necessary on account of unforeseen or altered conditions or otherwise, revised plans should be submitted promptly to the District Engineer to the end that the revised plans, if found unobjectionable, may receive the approval required by law before operations on the permitted work are commenced. It is important that no work under this permit be commenced until you have notified the District Engineer by letter of the date you intend to commence operations. Similar notification is required upon completion of the work.

The original and copy of the inclosed permit must be executed by the permittee, the original to be retained by the permittee, the signed copy to be returned to this office.

Sincerely yours,

- 2 Incl
1. ENG form 4336
2. Permit (dupe)

CARROLL D. STRIDER
Colonel, Corps of Engineers
District Engineer

Cy turn:
Mr. Abelson w/incl 2
Third CG Dist w/incl
NOAA, Norfolk
E.I. duPont Co, w/incl2 ✓

AR200098

DEPARTMENT OF THE ARMY

0.75
(Red)

PERMIT

NAFOP-4

Delaware Department of Highways and Transportation
Division of Highways
P. O. Box 778
Dover, Delaware 19901

Corps of Engineers
Philadelphia District
Custom House
Philadelphia, Pa. 191

Cementation

Referring to written request dated 10 May 1972 by Mr. John A. Jucsy, Review Engineer _____ upon the recommendation of the Chief of Engineers, and under the provisions of Section 10 of the Act of Congress approved March 3, 1899 (33 U.S.C. § 403), entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," you are hereby authorized by the Secretary of the Army

to ~~Grade and fill~~ _____ ~~area along the right-of-way for the proposed relocation~~
(Here describe the proposed structure or work and its intended use, including, in the case of an application for a fill permit, a description of the structures, if any, proposed to be erected on the fill)
of Delaware Route 141 on the southerly side, all dredging, disposal and filling operations to be performed to the satisfaction of the District Engineer _____

in Christina River _____
(Here to be named the river, harbor, or waterway concerned.)

at Newport, Delaware _____
(Here to be named the nearest well-known locality—preferably a town or city—and the distance in miles and tenths from some definite point in the same, stating whether above or below or giving direction by points of compass.)

in accordance with the plans and drawings attached hereto marked: _____
(On drawings: give file number or other definite identification marks.)

1522-15 (Christina River - Delaware Department of Highways and Transportation - 15
21

subject to the following conditions:

AR200099

(a) That this instrument does not convey any property rights either in real estate or material, any exclusive privileges; and that it does not authorize any injury to private property or invasion of private rights, or any infringement of Federal, State or local laws or regulations, nor does it obviate the necessity of obtaining State or local assent required by law for the structure or work authorized.

(b) That the structure or work authorized herein shall be in accordance with the plans and drawings attached hereto and construction shall be subject to the supervision and approval of the District Engineer, Corps of Engineers, in charge of the District in which the work is to be performed.

(c) That the District Engineer may at any time make such inspections as he may deem necessary to assure that the construction or work is performed in accordance with the conditions of this permit and all expenses thereof shall be borne by the permittee.

(d) That the permittee shall comply promptly with any lawful regulations, conditions, or instructions affecting the structure or work authorized herein if and when issued by the Federal Water Quality Administration and/or the State water pollution control agency having jurisdiction to abate or prevent water pollution, including thermal or radiation pollution. Such regulations, conditions or instructions in effect or hereafter prescribed by the Federal Water Quality Administration and/or the State agency are hereby made a condition of this permit.

(e) That the permittee will maintain the work authorized herein in good condition in accordance with the approved plans.

(f) That this permit may, prior to the completion of the structure or work authorized herein, be suspended by authority of the Secretary of the Army if it is determined that suspension is in the public interest.*

(g) That this permit may at any time be modified by authority of the Secretary of the Army if it is determined that, under existing circumstances, modification is in the public interest.* The permittee, upon receipt of a notice of modification, shall comply therewith as directed by the Secretary of the Army or his authorized representative.

(h) That this permit may be revoked by authority of the Secretary of the Army if the permittee fails to comply with any of its provisions or if the Secretary determines that, under the existing circumstances, such action is required in the public interest.*

(i) That any modification, suspension or revocation of this permit shall not be the basis for a claim for damages against the United States.

(j) That the United States shall in no way be liable for any damage to any structure or work authorized herein which may be caused by or result from future operations undertaken by the Government in the public interest.

(k) That no attempt shall be made by the permittee to forbid the full and free use by the public of all navigable waters at or adjacent to the structure or work authorized by this permit.

(l) That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.

(m) That the permittee shall notify the District Engineer at what time the construction or work will be commenced, as far in advance of the time of commencement as the District Engineer may specify, and of its completion.

(n) That if the structure or work herein authorized is not completed on or before

31st day of December, 1977, this permit, if not previously revoked or specifically extended, shall cease and be null and void.

(o) That the legal requirements of all Federal agencies be met.

(p) That this permit does not authorize or approve the construction of particular structures, the authorization or approval of which may require action by the Congress or other agencies of the Federal Government.

(q) That all the provisions of this permit shall be binding on any assignee or successor in interest of the permittee.

(r) That if the recording of this permit is possible under applicable State or local law, the permittee shall take such action as may be necessary to record this permit with the Registrar of Deeds or other appropriate official charged with the responsibility for maintaining records of title to and interests in real property.

(s) That the permittee agree to make every reasonable effort to prosecute the construction or work authorized herein in a manner so as to minimize any adverse impact of the construction or work on fish, wildlife and natural environmental values.

(t) That the permittee agrees that it will prosecute the construction of work authorized herein in a manner so as to minimize any degradation of water quality.

Note: All references made to the Federal Water Quality Administration now apply to the Office of Water Pollution of the United States Environmental Protection Agency.

AR200100

(e) That no building or other structure may be erected on the fill authorized by this permit unless such building or other structure is in accordance with the plan and design attached to the permit and that no building or other structure may be erected on the fill unless it can be satisfactorily protected in their exposed position by the fill and other buildings or structures erected in their place upon the fill. The Secretary of the Army or his authorized representative is authorized to suspend, modify or revoke this permit if it is determined that the fill itself nor buildings or structures erected in accordance with the plans and designs attached hereto may be dedicated to any different use than that contemplated at the time of issuance of this permit unless a modification of this permit is authorized by the Secretary of the Army or his authorized representative.

*A judgment as to whether or not suspension, modification or revocation is in the public interest involves a consideration of the impact that any such action or the absence of any such action may have on factors affecting the public interest. Such factors include, but are not limited to navigation, fish and wildlife, water quality, economics, conservation, aesthetics, recreation, water supply, flood damage prevention, ecosystems and, in general, the needs and welfare of the people.

BY Authority of the Secretary of the Army:

Date

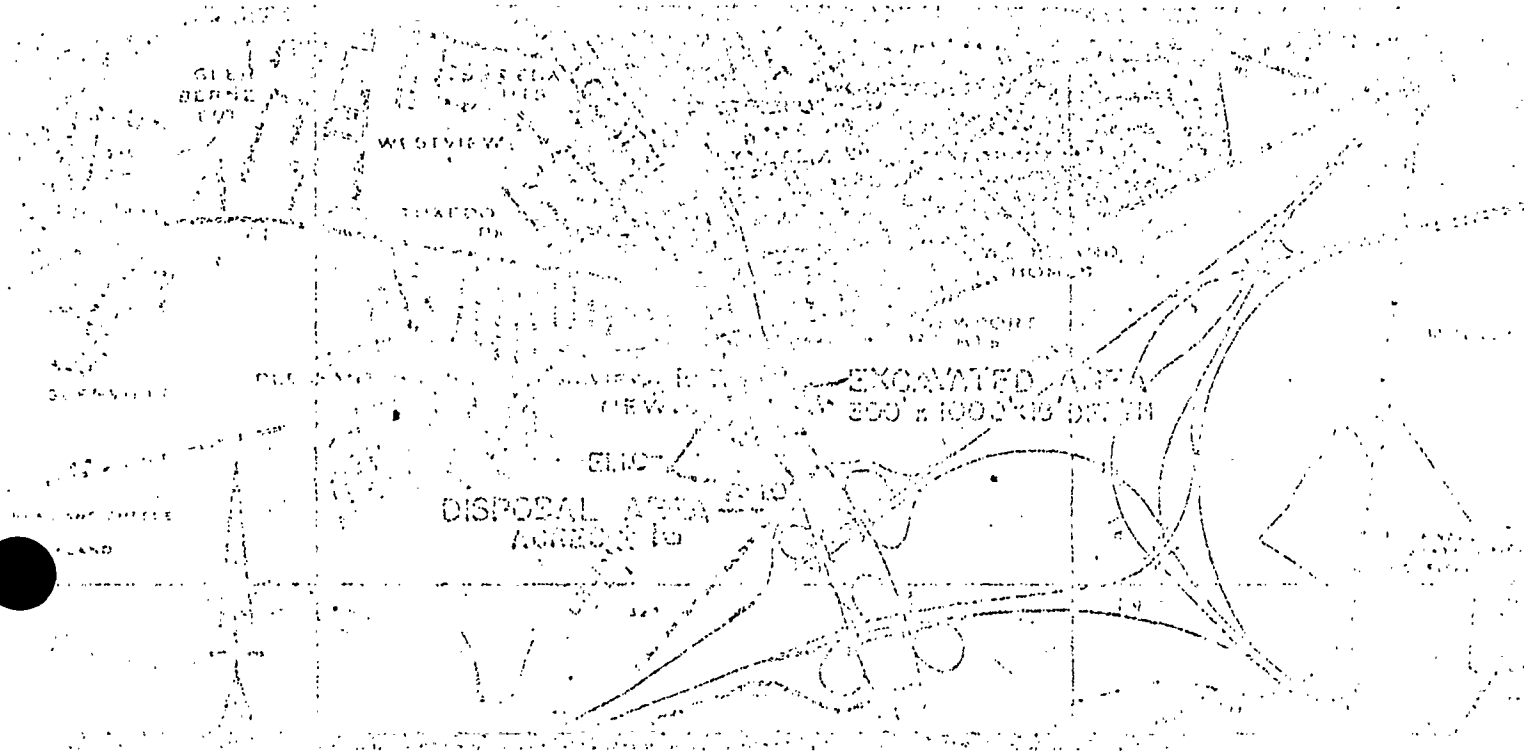
CARROLL D. STEINER
Colonel, Corps of Engineers
District Engineer

Permittee hereby accepts the terms and conditions of this permit.

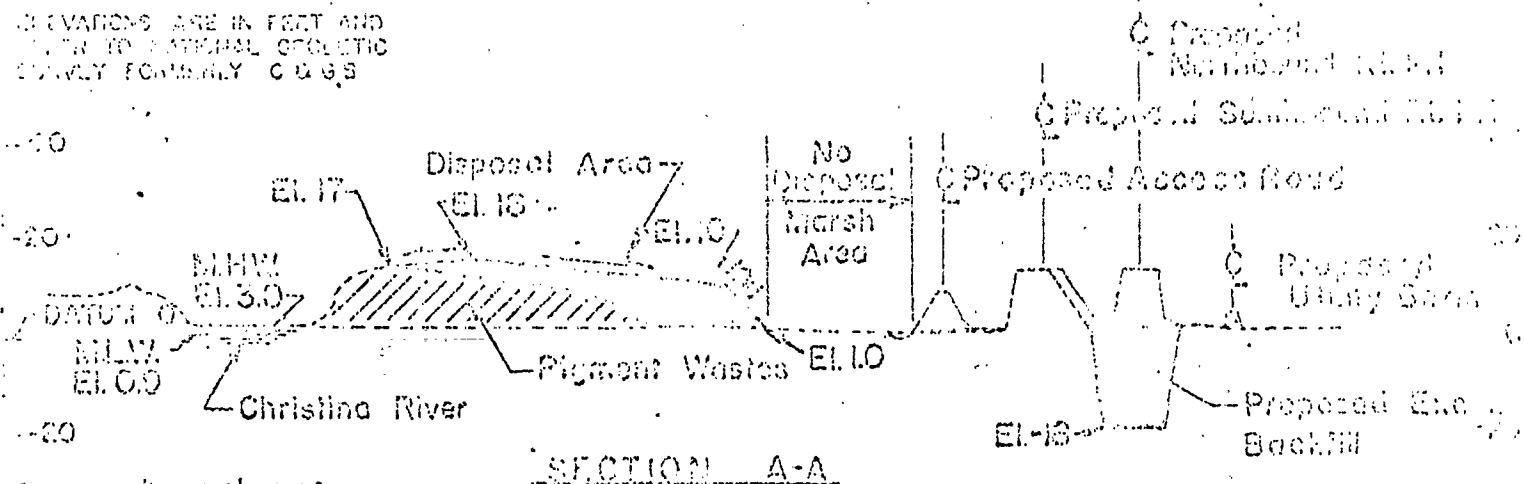
Permittee

Date

approximately 130,000 cubic yards of unsuitable materials to be excavated and backfilled with topsoil borrow for the stabilization of Relocated Delaware Route 141. The excavated material will be disposed on the site of a plummet waste dump. No disposal will be permitted in marshland or wetlands. Elevation 1.0. The method of excavation and disposal will be by dredge or conventional methods at the option of the Contractor.



ALL DIMENSIONS ARE IN FEET AND
INCHES TO NEAREST DECIMETIC
UNLESS OTHERWISE NOTED C & G S



SCALE: 1" = 100' HORIZ.
1" = 10' VERT.

AR200102
proposed excavation and disposal of unsuitable material for the south approach of the structure over the Christina River, Route 141, in New Castle County, State of Delaware.

Application By: Department of Highways and Transportation
Division of Highways

AR200102